

Community Empowerment and Renewal Bill



RESPONDENT INFORMATION FORM

Please Note both pages of this form **must** be returned with your response to ensure that we handle your response appropriately.

1. Name/Organisation

Organisation Name

FIRRHILL COMMUNITY COUNCIL

Title Ms Mrs X Miss Mr Dr *Please tick as appropriate*

Surname

WRIGHT

Forename

MARGARET

2. Postal Address

15 COLINTON MAINS PLACE

EDINBURGH

Postcode EH13 9AU

Phone 0131-477 4400

Email

peggy.wright@live.co.uk

3. Please indicate which category best describes your organisation (Tick one only).

Executive Agencies and NDPBs	<input type="checkbox"/>
Local authority	<input type="checkbox"/>
NHS	<input type="checkbox"/>
Other statutory organisation	<input type="checkbox"/>
Representative body for private sector organisations	<input type="checkbox"/>
Representative body for third sector/equality organisations	<input type="checkbox"/>
Representative body for community organisations	<input type="checkbox"/>
Representative body for professionals	<input type="checkbox"/>
Private sector organisation	<input type="checkbox"/>
Third sector/equality organisation	<input type="checkbox"/>
Community group	X
Academic	<input type="checkbox"/>
Individual	<input type="checkbox"/>
Other – please state...	<input type="checkbox"/>

4. Permissions - I am responding as...

<input type="checkbox"/> Individual	/	<input checked="" type="checkbox"/> Group/Organisation
<i>Please tick as appropriate</i>		

<p>(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?</p> <p><i>Please tick as appropriate</i> <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis</p> <p><i>Please tick ONE of the following boxes</i></p> <p>Yes, make my response, name and address all available <input type="checkbox"/></p> <p style="text-align: center;"><i>or</i></p> <p>Yes, make my response available, but not my name and address <input type="checkbox"/></p> <p style="text-align: center;"><i>or</i></p> <p>Yes, make my response and name available, but not my address <input type="checkbox"/></p>	<p>(c) The name and address of your organisation will be made available to the public (in the Scottish Government library and/or on the Scottish Government web site).</p> <p>Are you content for your response to be made available?</p> <p><i>Please tick as appropriate</i> <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
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<p>(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?</p> <p><i>Please tick as appropriate</i></p>	<p style="text-align: center;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
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Please ensure you return this form along with your response.

Thank-you.

Community Empowerment and Renewal Bill

CONSULTATION QUESTIONS



PART 1: STRENGTHENING COMMUNITY PARTICIPATION

Community Planning

Q1. What would you consider to be effective community engagement in the Community Planning process? What would provide evidence of effective community engagement?

With Neighbourhood Partnerships, the process is already there - the engagement tool for planning and services. However, the system is not as effective as it should be: we should see plans coming to fruition – it's easy to make up/write down plans, but we need to see/hear about an end result. Also, Minutes of Meetings between Council officers are NOT readily accessible: they are too difficult to track down. (Is this deliberate?)

Q2. How effective and influential is the community engagement currently taking place within Community Planning?

Community Councils do have some influence, but not consistently. Again, the results don't always come through. It's not about the process, which is there: Council Departments perform to different standards depending on the personnel/personalities within each dept. Also, Council staff within depts. keep changing – even the Council's own Directory can't keep up-to-date!

Q3. Are there any changes that could be made to the current Community Planning process to help make community engagement easier and more effective?

Some Neighbourhood Partnerships cover too large and diverse an area, so that local issues get lost in the strategic process. Also, too few staff: we have two partnership development officers covering two N'hood P'ships. This is reflected in the quality of Minutes & Reports (if they appear) so that Community Council reps (volunteers) may have to write their own N.P. meeting reports to table at their next C.C. meeting.

An overarching duty to engage

Q4. Do you feel the existing duties on the public sector to engage with communities are appropriate?

Yes

Q5. Should the various existing duties on the public sector to engage communities be replaced with an overarching duty?

Yes No

Please give reasons for your response below.

There is surely already an overarching duty by Council officials, officers, N.Ps, and local Councillors to engage residents within communities. Each Council Dept. has this requirement, but individuals within Depts. often have their own agendas. One example is the requirement that Council officers attend meetings when items relevant to their remits/duties are being discussed: this is not happening consistently.

If you said 'yes' to Question 5, please answer parts a. and b. –

a. What factors should be considered when designing an overarching duty?

b. How would such a duty work with existing structures for engagement?

Community Councils

Q6. What role, if any, can community councils play in helping to ensure communities are involved in the design and delivery of public services?

"If any"? This should be non-negotiable! Community Councils act as a liaison between public services and communities/local auditors.

Q7. What role, if any, can community councils play in delivering public services?

Community Councils comprise local volunteers with local knowledge and Insight. But volunteers come cheap and are easily abused - too much is being asked of them now: attending their own meetings; engaging with the community by arranging and holding public meetings on relevant issues; attending N'hood P'ship Group meetings and writing reports; taking part in

local walkabouts; reading and responding to consultation documents, etc - all very time-consuming, and liable to put off other volunteers, thus making it difficult to recruit new members.

Q8. What changes, if any, to existing community council legislation can be made to help enable community councils maximise their positive role in communities

The City Council could do more to advertise Community Councils - and the local services that they could provide, e.g., they could act as more of a conduit between residents and Council by hearing complaints - something which we actually do already, as so many people don't understand the difference between volunteer Community Councillors and elected local Councillors. Has the City Council made any attempt to explain this to the public? Also, we feel there is a policy issue rather than legislation needed: Council Depts. should engage more with Community Councils and disseminate information without us always having to ask for it: we are still seen by some as a 'necessary evil', and largely ignored.

Third Sector

Q9. How can the third sector work with Community Planning partners and communities to ensure the participation of communities in the Community Planning process?

National Standards

Q10. Should there be a duty on the public sector to follow the National Standards for Community Engagement?

Yes No

Please give reasons for your response

Why is this question being asked? It should be a given that the public sector follows the National Standards!

Community engagement plans

Q11. Should there be a duty on the public sector to publish and communicate a community engagement plan?

Yes No

Please give reasons for your response

Our Neighbourhood Partnership does publish/communicate this.

If you said 'yes' to Question 11, please answer parts a. –

a. What information would be included in a community engagement plan?

What should be included (but isn't) is key contact details for each Council Dept: names; job titles; roles and responsibilities of Council officers who can be approached by Community Councils. Perhaps they could expand on the structures already there, eg, web pages, but this information would have to be updated regularly as personnel are promoted/change roles/move to other Depts/retire. Also, Council Officers themselves would need this info. As an example, City Development is a huge department: even many personnel in that Dept. don't know their own colleagues' roles and responsibilities, and who – or even which section - one should be passed to in a 'phone call dealing with a certain topic.

Auditing

Q12. Should community participation be made a more significant part of the audit of best value and Community Planning?

Yes: we need independent auditors.

Named Officer

Q13. Should public sector authority have a named accountable officer, responsible for community participation and acting as a primary point of contact for communities?

Yes No

Please give reasons for your response

It should be the responsibility of ALL officers to engage and be accountable for community participation; someone else should not have to be employed specifically for this purpose.

Tenants' right to manage

Q14. Can the Scottish Government do more to promote the use of the existing tenant management rights in sections 55 and 56 of the Housing (Scotland) 2001 Act?

Yes No

Please give reasons for your response

[]

Q15. Should the current provisions be amended to make it easier for tenants and community groups to manage housing services in their area?

Yes No

Please give reasons for your response

We're not sure what the current provisions are.

Community service delivery

Q16. Can current processes be improved to give community groups better access to public service delivery contracts?

Yes No

Please give reasons for your response

Community groups should have an equal place at the table when it comes to discussion/decisions on these: the public sector have a duty and responsibility to make sure that this happens.

Q17. Should communities have the right to challenge service provision where they feel the service is not being run efficiently and that it does not meet their needs?

Yes No

Please give reasons for your response

This right should not be negotiable!

Community directed spending – participatory budgeting

Q18. Should communities have a greater role in deciding how budgets are spent in their areas?

Yes No

Please give reasons for your response

We already do have some degree of say in this through Neighbourhood Partnerships, e.g. in Neighbourhood Environment Projects, where we can suggest what work we would like done to improve our communities – but we don't have the technical knowledge, or any idea of how much a job would cost, and so we must be closely guided by trained officers within the budget available.

Q19. Should communities be able to request the right to manage certain areas of spending within their local area?

Yes No

Please give reasons for your response

As above.

If you said 'yes' to Question 19, please answer parts a., b. and c. –

a. What areas of spending should a community be responsible for?

The areas which are dictated by Neighbourhood Partnership sub-groups.

b. Who, or what body, within a community should be responsible for making decisions on how the budget is spent?

NOT volunteers alone, but volunteers should be involved in discussion and decision-making along with N'hood P'ship Development Officer and professional officers from the appropriate departments (as in answer to Q18).

c. How can we ensure that decisions on how the budget is spent are made in a fair way and consider the views of everyone within the community?

This is why NPs were created. However, we have a huge geographical area in our NP, and too many diverse needs within it.

Definitions for Part 1

Q20. Please use this space to give us your thoughts on any definitions that may be used for the ideas in Part 1. Please also give us examples of any definitions that you feel have worked well in practice

Re 19c., above: local community issues can be ignored by representatives from areas within a Neighbourhood Partnership which don't have those particular issues and so, although in principle reps should make fair decisions on how the NP budget is spent, this is very difficult to carry out in practice.

Also, a local budget can be swallowed up by the national need, e.g., the Pentland Hills are a national asset, and so Pentlands Neighbourhood Partnership Funding should not be used for this.

PART 2: UNLOCKING ENTERPRISING COMMUNITY DEVELOPMENT

Community right to buy

Q21. Would you support a community right to buy for urban communities?

Yes No

Please give reasons for your response

This would depend on the circumstances, but the City Council should have overall responsibility for land.

If you said 'yes' to Question 21, please answer parts a., b. and c.:

- a. Should an urban community right to buy work in the same way as the existing community right to buy (as set out in Part II of the Land Reform (Scotland) Act 2003)?**

- b. How should an 'urban community' be defined?**

- c. How would an urban and rural community right to buy work alongside each other?**

Community asset transfer

Q22. The public sector owns assets on behalf of the people of Scotland. Under what circumstances would you consider it appropriate to transfer unused or underused public sector assets to individual communities?

Please also answer parts a. to d. below:

- a. What information should a community body be required to provide during the asset transfer process?**

b. What information should a public sector authority be required to provide during the asset transfer process?

c. What, if any, conditions should be placed on a public sector authority when an asset is transferred from the public sector to a community?

d. What, if any, conditions should be placed on a community group when an asset is transferred from a public sector body to a community?

Q23. Should communities have a power to request the public sector transfer certain unused or underused assets?

Yes No

Please give reasons for your response

Q24. Should communities have a right to buy an asset if they have managed or leased it for a certain period of time?

Yes X No

Please give reasons for your response

If you said 'yes' to Question 24, please answer parts a:

a. What, if any, conditions should be met before a community is allowed to buy an asset in these circumstances?

The number of years the community has managed the land would have to be considered, as well as the condition of the land: the Council should not have the right to take back or sell off land, which had been allowed to lie derelict because they had reneged on their responsibility to maintain it, if the community then brought that land up to a much higher standard.

Common good

Q25. Do the current rules surrounding common good assets act as a barrier to their effective use by either local authorities or communities?

Yes No X

Please give reasons for your response

They act as a safeguard.

Q26. Should common good assets continue to be looked after by local authorities?

Yes X No

Please give reasons for your response

They have the remit and obligation to do so.

If you said 'yes' to Question 26, please answer parts a. and b.:

a. What should a local authority's duties towards common good assets be and should these assets continue to be accounted for separately from the rest of the local authority's estate?

They are the 'guardians', and should act accordingly. They should definitely be accounted for separately: different conditions and legislation apply to common good assets. They should be pro-active in keeping an up-dated register of all common good assets: it should not be left to ordinary citizens to research these, having discovered that the local authority is about to sell off assets unlawfully.

b. Should communities have a right to decide, or be consulted upon, how common good assets are used or how the income from common good assets is spent?

There should be consultation with communities on anything to do with common good assets which would affect them. In Edinburgh, the local authority must consider the rights of all inhabitants, not just those within the community where the land/property lies.

If you said 'no' to Question 25, please answer part c.:

c. Who should be responsible for common good assets and how should they be managed?

Asset management

Q27. Should all public sector authorities be required to make their asset registers available to the public?

Yes X No

Please give reasons for your response

Definitely, in the interests of transparency.

If you said 'yes' to Question 27, please answer part a.:

a. What information should the asset register contain?

Everything that is pertinent to the assets.

Q28. Should all public sector authorities be required to make their asset management plans available to the public?

Yes X No

Please give reasons for your response

To show that they are being handled responsibly and are not losing money unnecessarily or being allowed to deteriorate.

If you said 'yes' to Question 27, please answer part b.:

a. What information should the asset management plan contain?

The department and officer/s in charge of this should have the expertise and training to make this decision.

Q29. Should each public sector authority have an officer to co-ordinate engagement and strategy on community asset transfer and management?

Yes X No

Please give reasons for your response

This should already apply within the relevant department; it should not be necessary to employ an extra member of staff to carry out this role.

Q30. Would you recommend any other way of enabling a community to access information on public sector assets?

What ways are there already? Info given only by Freedom of Information request? Viewing assets register by appointment? Information on the Council's website?

Allotments

Q31. What, if any, changes should be made to existing legislation on allotments?

A consultation has already been carried out here for allotment users – but, it was only on the internet. This is not fair for users who do not have access to the internet: consultations should be inclusive.

Q32. Are there any other measures that could be included in legislation to support communities taking forward grow-your-own projects?

More co-operation and support are needed from public sector employees to get such projects off the ground, e.g., volunteer residents without any experience of funding applications - which can be quite daunting - are expected to source and fill these out themselves.

Definitions for Part 2

Q33. Please use this space to give us your thoughts on any definitions that may be used for the ideas in Part 2. Please also give us examples of any definitions that you feel have worked well in practice

PART 3: RENEWING OUR COMMUNITIES

Leases and temporary uses

Q34. Should communities have a right to use or manage unused and underused public sector assets?

Yes X No

Please give reasons for your response

Communities already have the right to apply to do this – but problematic to carry out in practice, as it is very difficult to find out what belongs to whom.

An updated audit must be made of what land is owned by the public and private sectors. The Council here has poor record-keeping regarding land transferred through the right-to-buy scheme.

If you said yes to Question 33, please answer parts a., b. and c.:

a. In what circumstances should a community be able to use or manage unused or underused public sector assets?

As and when a community thinks this is justified.

b. What, if any, conditions should be placed on a community's right to use or manage public sector assets?

This could be decided by consultation with all stakeholders.

c. What types of asset should be included?

Land and buildings which have effectively been abandoned, or which the local authority no longer has the will to maintain.

Encouraging temporary use agreements

Q35. Should a temporary community use of land being made a class of permitted development?

Yes X No

Please give reasons for your response

Yes, but there should be clarity on the duration, and what the land could be used for.

Q36. Should measures be introduced to ensure temporary community uses are not taken into account in decisions on future planning proposals?

Yes No

Please give reasons for your response

It should be negotiable – if said land/asset should be managed in a Partnership fashion.

Q37. Are there any other changes that could be made to make it easier for landlords and communities to enter into meanwhile or temporary use agreements?

Public sector officers must buy into existing processes and legislation and build an element of trust within communities.

Dangerous and defective buildings

Q38. What changes should be made to local authorities' powers to recover costs for work they have carried out in relation to dangerous and defective buildings under the Building (Scotland) Act 2003?

Why is this question in this document?

Q39. Should a process be put in place to allow communities to request a local authority exercise their existing powers in relation to dangerous and defective buildings under the Building (Scotland) Act 2003?

Yes No

Please give reasons for your response

The City of Edinburgh Council needs to review its existing powers to ensure tenants and owners come to an agreement re contractors carrying out essential works of this kind.

Compulsory purchase

Q40. Should communities have a right to request a local authority use a compulsory purchase order on their behalf?

Yes No

Please give reasons for your response

The community's responsibility is to inform/report to its elected local Councillor, who should liaise with the public sector on any such request.

If you said 'yes' to Question 39, please answer part a.:

- a. What issues (in addition to the existing legal requirements) would have to be considered when developing such a right?

Q41. Should communities have a right to request they take over property that has been compulsory purchased by the local authority?

Yes No

Please give reasons for your response

This comes back to a transparent local audit.

If you said 'yes' to question 40, please answer part a.:

- a. What conditions, if any, should apply to such a transfer?

Power to enforce sale or lease of empty property

Q42. Should local authorities be given additional powers to sell or lease long-term empty homes where it is in the public interest to do so?

Yes No

Please give reasons for your response

Why should they be given more powers when they do not use the ones they already have?

If you said 'yes' to Question 41, please answer parts a., b. and c.:

- a. In what circumstances should a local authority be able to enforce a sale and what minimum criteria would need to be met?

- b. In what circumstances should a local authority be able to apply for the right to lease an empty home?

- c. Should a local authority be required to apply to the courts for an order to sell or lease a home?

Yes No

Please give reasons for your response

Q43. Should local authorities be given powers to sell or lease long-term empty and unused non-domestic property where it is in the public interest to do so?

Yes No

Please give reasons for your response

Same response as Q42.

Too many old churches and industrial buildings are left lying empty; they then become derelict, dangerous and act as a magnet for vermin and fire-raisers, putting at risk neighbouring properties. The Council must be much more pro-active in tracking down owners and, in accordance with existing legislation, make them pay to keep these properties in good order, or sell them on, either privately or to the local authority.

If you said 'yes' to Question 43, please answer parts a., b. and c.:

a. In what circumstances should a local authority be able to enforce the sale of a long-term empty and unused non-domestic property and what minimum criteria would need to be met?

As above.

b. In what circumstances could a local authority be able to apply for the right to lease and manage a long-term empty non-domestic property?

As above.

c. Should a local authority be required to apply to the courts for an order to sell or lease a long-term empty non-domestic property?

Yes No

Please give reasons for your response

If the owner cannot be found - or, if found, refuses to maintain the property.

Q44. If a local authority enforces a sale of an empty property, should the local community have a 'first right' to buy or lease the property?

Yes No

Please give reasons for your response

Not necessarily. Again, consultation should be carried out if the community is interested and has a good business plan/worthwhile use for the property.

If you said 'yes' to Question 44, please answer part a.:

- a. In what circumstances should a community have the right to buy or lease the property before others?**

Definitions for Part 3

Q45. Please use this space to give us your thoughts on any definitions that may be used for the ideas in Part 3. Please also give us examples of any definitions that you feel have worked well in practice

ASSESSING IMPACT

Q46. Please tell us about any potential impacts, either positive or negative, you feel any of the ideas in this consultation may have on particular group or groups of people?

We hope that it will be positive. The negative aspect is the time that volunteers spend on reading regurgitated material issued under the guise of fresh initiatives.

Q47. Please also tell us what potential there may be within these ideas to advance equality of opportunity between different groups and to foster good relations between different groups?

To build trust there has to be consistency, transparency and equality.

Q48. Please tell us about any potential impacts, either positive or negative, you feel any of the ideas in this consultation may have on the environment?

This consultation has the potential to promote/encourage locally constituted groups to adopt pockets of land for environmental projects.

Q49. Please tell us about any potential economic or regulatory impacts, either positive or negative, you feel any of the proposals in this consultation may have?

Is this the Mark 1 version?? What is going to happen to the proposals within this consultation? If the public sector had the will to implement existing processes/legislation where required, would this consultation be necessary? What we can definitely do without is another time-consuming paper exercise.

Thank-you for responding to this consultation.

Please ensure you return the respondent information form along with your response.